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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Federal Communications Commission
Office of Secretary

Second Periodic Review of the
Commission's Rules and Policies
Affecting the Conversion
to Digital Television

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MB Docket No. 03-15

RM 9832

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To: The Secretary
The Commission

PETITION FOR RECONSIDERATION OR CLARIFICATION

Pursuant to 47 C.F.R. § 1.429, Sinclair Broadcast Group, Inc. ("Sinclair"), by its attorneys, hereby submits this Petition requesting reconsideration or clarification of one aspect of the above-captioned Order.¹ The Commission should permit a licensee to certify that it will operate post-transition DTV facilities pursuant to a pending DTV application for maximized facilities that has not yet been granted, as a result of delay from a pending or resolved international coordination issue.

In the *Order*, the Commission requires licensees to certify as to their intent to construct and operate post-transition DTV facilities. *See Order*, at ¶¶ 33-41, 72-87. With respect to maximized facilities, a licensee may certify that it will operate its DTV station as authorized by license or construction permit or pursuant to a pending DTV application for maximized facilities "that has not been authorized because of a pending international coordination issue" *Order*, Appendix E, Item 1.b. (emphasis added). The certification illogically appears to require that the

¹ See *In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, FCC 04-192 (September 7, 2004) ("*Order*"); see also 69 FR 59500 (October 4, 2004).

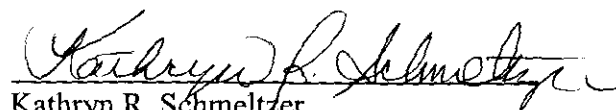
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international coordination issue still be pending at the time of certification, rather than merely having delayed the processing of the pending application.

For example, Sinclair has pending a recently amended application for a construction permit for WUTV-DT, Buffalo, New York that has not yet been granted because the international coordination associated with the digital operation of that station was resolved only recently. Nonetheless, Sinclair arguably cannot certify as to the existence of a pending international coordination issue that has delayed the authorization of the pending application.

Moreover, Sinclair just recently on October 26, 2004 was informed of the need to amend its pending application, and the FCC specifically stated that the station would have 30 days to do so.² The *Order* inadvertently does not appear to consider such circumstances. The certification checklist should reflect an option permitting a licensee to certify that it will operate post-transition DTV facilities pursuant to a pending DTV application for maximized facilities that has not yet been granted, as a result of delay from a pending or resolved international coordination issue.

Respectfully submitted,



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November 3, 2004

² See Letter to WUTV Licensee, LLC from Clay Pendarvis, File No. BPCDT-19991101ACJ (October 26, 2004).